

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JUN 19 2006

US DIST. COURT
MARTINSBURG, WV 25401

CATHY KNIGHT,

Plaintiff,

v.

AEROTEK, INC. a foreign corporation,
f/k/a ONSITE COMPANIES, VERIZON
INTERNET SERVICES, INC., a foreign
corporation, DAWN PICKETT, THOMAS
THORNTON, WILLIMA BUTZ,
RANDALL SONES, DAVID
STANDEVEN, individually and as
corporate agents,

Defendants.

Civil Action No. ~~06~~ 3:06 cv 60

NOTICE OF REMOVAL

Defendants, Aerotek, Inc., f/k/a Onsite Companies ("Aerotek"), and Dawn Pickett, Thomas Thornton, William Butz¹, Randall Sones, and David Standeven (collectively, "the Individual Defendants"), by and through their undersigned attorneys, hereby file this Notice of Removal, and state as follows:

1. Plaintiff Cathy Knight ("Knight") commenced this action by filing a Complaint on or about May 17, 2006 against Aerotek, Verizon Internet Services, Inc. and the Individual Defendants in the Circuit Court of Berkeley County, West Virginia, Civil Action No. 06-C-352.

2. Defendants Thomas Thornton and William Butz were served with a Summons and the Complaint on May 22, 2006. The Complaint served on that date represents the initial pleading upon which Aerotek and the other Defendants were given notice of Knight's claim. A true and correct copy of the Summons and the Complaint to such Defendants are attached hereto

¹ Plaintiff refers to individual Defendant William Butz as both William Butz and Willima Butz. This and related documents refer to this individual Defendant as William Butz.

as Exhibit A. This notice is filed within thirty days from the date that the first-served defendant was served.

3. Plaintiff's Complaint alleges violations of the federal Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA"), and the West Virginia Wage Payment and Collection Act, W.Va. Code §§ 21-5-1 *et seq.*

4. Knight seeks to recover compensatory, punitive, and liquidated damages, as well as pre- and post-judgment interest, injunctive relief, attorneys' fees, and costs. (Compl. ¶ 22).

5. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, because Plaintiff has alleged a claim arising under the FLSA, a law of the United States. Therefore, this action may be removed without regard to the citizenship or residence of the parties or the amount in controversy.

6. Under 28 U.S.C. § 1367(a), supplemental jurisdiction exists over Plaintiff's claim arising under W. Va. Code §§ 21-5-1, *et seq.* because this claim is so related to Plaintiff's FLSA claim that together the two claims form part of the same case and controversy.

7. Co-Defendant, Verizon Internet Services, Inc., by its counsel, consents to the removal of this action. See Exhibit B.

8. In accordance with 28 U.S.C. § 1446(a), all process, pleadings and orders that have been served upon Defendants to date in this matter are annexed to this Notice of Removal as Exhibit A.

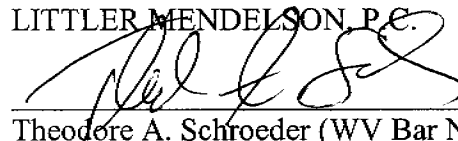
9. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after Defendants' receipt of the Summons and Complaint.

10. In accordance with 28 U.S.C. § 1446(d), a true and complete copy of this Notice of Removal will be filed with the Clerk of the Circuit Court for Berkeley County, West Virginia.

WHEREFORE, Defendants remove this case to this Court, and respectfully request that this Court accept jurisdiction of this action and that this action be henceforth placed on the docket of this Court for all further proceedings as though the same action had been originally commenced in this Court.

Respectfully submitted,

LITTLER MENDELSON, P.C.



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Dated: June 16, 2006